

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**[PROPOSED] ORDER RE ORACLE'S
MOTION TO COMPEL (ECF NO. 1404)**

Dept.: Courtroom 4 (Oakland)
Judge: Honorable Donna M. Ryu

Before the Court is Oracle America, Inc.'s ("Oracle") Motion to Compel Google Search Distribution Agreements and Further Rule 30(b)(6) Deposition, ECF No. 1404. The Motion came for hearing on January 14, 2016, the Honorable Donna M. Ryu presiding. Having considered the Motion, the arguments of counsel, the pleadings on file, and any other relevant materials, Oracle's Motion is **GRANTED IN PART** as follows:

(1) For each mobile non-Android platform provider with whom Google Inc. ("Google") has/had a distribution agreement regarding any of Google's services or applications, Google shall provide to Oracle the categories of information specified in the form of the chart attached hereto as Exhibit A. Google shall provide a separate chart for each platform provider, and shall provide the information broken down annually for the entire term of each agreement. If an agreement contemplates a future period that has not yet occurred, Google shall provide the information now available to it (such as revenue share percentage) for the future period. In providing the required charts, Google is not required to identify the counter-party to each agreement and instead may use a pseudonym such as "Platform Provider A." Google shall

1 indicate in the column for Year 1 the first year in which the agreement was in effect.

2 (2) In the event Google chooses not to identify the platform provider, Google may not
3 make any argument that relies, in whole or in part, on that information or the fact that Oracle or
4 its experts did not possess that information; for example, Google may not argue about the lack of
5 comparability of the data based on the failure to identify the counter-party to any agreement.

6 (3) Google shall provide the information identified herein by no later than January 27,
7 2016.

8 **IT IS SO ORDERED.**

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10 Dated: _____

Honorable Donna M. Ryu
United States Magistrate Judge

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15 Respectfully Submitted,

16 ANNETTE L. HURST
17 Orrick, Herrington & Sutcliffe LLP

18 By: /s/ Annette L. Hurst

19 Attorneys for Plaintiff
20 ORACLE AMERICA, INC.
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EXHIBIT A TO [PROPOSED] ORDER**Platform Provider 1**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6...	Final Year
Revenue Share Percentage							
Total Revenues Received							
Estimated Number of Devices							
Other Payments							
List of Services/Applications							